

No. 06-2315-B/V

<sup>2</sup> Under these circumstances, the Sixth Circuit has held that, "[a]fter release, the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997).

nonprisoner in forma pauperis affidavit or pay the \$350 civil filing fee.<sup>3</sup>

Plaintiff has not complied with, or otherwise responded to, the February 28, 2007 order, and the time set for compliance has expired. The order provided, in pertinent part, that "[f]ailure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute." 02/28/07 Order at 2. The Court therefore DISMISSES the complaint without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 18<sup>th</sup> day of April, 2007.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> The Clerk mailed Miller a nonprisoner affidavit on March 1, 2007. Neither the Court's order or the affidavit have been returned by the United States Postal Service for any reason.